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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,883	10/22/2003	Michael Hinton	51406/DRK/S1034	9004
23363	7590	08/19/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			WILKENS, JANET MARIE	
		ART UNIT	PAPER NUMBER	
		3637		

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/691,883	HINTON ET AL.
	Examiner Janet M. Wilkens	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 19,21 and 23 is/are allowed.
- 6) Claim(s) 1-18,20,22 and 24-30 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 October 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

(Namely, it is improper to have the phrase "the invention" in the abstract.)

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: 52 and 54A. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18, 20, 22, and 24-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 1, "the cabinet portion" lacks antecedent basis. For claim 4, it is unclear which bin is being referred to in line 2, since plural bins were claimed previously and it is unclear if the "a bin" in line 4 is one of the bins claimed previously. For claims 5 and 6, it is unclear which bin is being referred to in line 2, since plural bins were claimed previously and it is unclear if the "cabinet" in line 3 is the cabinet claimed previously. For claim 8, "the slide surfaces" lacks antecedent basis. For claim 11, it is unclear if the "a bin" in lines 5 and 7 is one of the bins claimed previously. For claim 12, it is unclear which bin is being referred to in line 2, since plural bins were claimed previously and it is unclear this bin is one of the bins claimed previously. For claim 13, it is unclear if the "a plurality of bins" are the same bins claimed previously. For claim 17, it is unclear if the "a bottom of bins" are the same bins claimed previously. For claim 20, it is unclear which bin is being referred to in line 2, since plural bins were claimed previously. Furthermore, it does not appear that the glide surface is actually part of the bin so it is unclear why it is stated as so. For claim 22, it is unclear if the "a bin" in lines 5 and 7 is one of the bins claimed previously. For claim 24, it is unclear if the "a plurality of

bins" are the same bins claimed previously. Claims 25 and 26 are redundant with claims 14 and 18, respectively. For claim 27, "the cabinet portion" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 15-18 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorensen. Sorensen teaches a swinging bin storage system (Fig. 1) comprising: a cabinet (1) and a plurality of bins (2) slidable and pivotal into and out of the cabinet via upper and lower slidable pivots/tracks (8/11,12). The tracks are adjacent (next to) the front of the cabinet. The bins further includes a catch (18), movable support means (bottom of bins) and include sections (6 and 7; bins and bins/ access cover panel) hingeably attached together and the cabinet further includes a glide surface (10).

Claims 1, 2, 5-7, 9, 10 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer et al. Meyer teaches a swinging bin storage system (Fig. 1) comprising: a cabinet (10) and a plurality of bins (20,22) slidable and pivotal into and out of the cabinet via upper and lower slidable pivots/tracks (members 55 and L-shaped tracks 47,49; see Fig. 2). The tracks are adjacent

(next to) the front of the cabinet. The bins further includes a movable support means (42) and the cabinet further includes glide surfaces (46,48,50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen in view of Baker. As stated above, Sorensen teaches the limitations of claim 1, including a storage system containing a cabinet with sliding/pivotal bins having slide surfaces. For claim 8, Sorensen fails to teach that the slide surfaces have a low frictional material located thereon. Baker teaches a sliding structure and stationary structure having a low frictional material there between (Fig. 2) to provide an easily sliding guideway between the members. It would have been obvious to one of ordinary skill in the art at the time of the invention to add low friction material between the bins and cabinet of Sorensen, i.e. at the slide surface locations, for the purpose and advantage stated above.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Baker. As stated above, Meyer teaches the limitations of claim 1, including a storage system containing a cabinet with sliding/pivotal bins having slide surfaces. For claim 8, Meyer fails to teach that the slide surfaces

have a low frictional material located thereon. Baker teaches a sliding structure and stationary structure having a low frictional material there between (Fig. 2) to provide an easily sliding guideway between the members. It would have been obvious to one of ordinary skill in the art at the time of the invention to add low friction material between the bins and cabinet of Meyer, i.e. at the slide surface locations, for the purpose and advantage stated above.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen in view of Hommes. As stated above, Sorensen teaches the limitations of claim 1, including a storage system containing a cabinet with sliding/pivotal bins each having a top wall, a bottom wall, a front wall, a back wall and a side wall. For claim 11, Sorensen fails to teach a second side wall. Hommes teaches sliding bins (10) which include a second side wall (46) with access opening. It would have been an obvious to one of ordinary skill in the art at the time of the invention to add a second side wall on the bins Sorensen, to help prevent items on the top and bottom shelves from sliding off from the "open" side, to strengthen the bin structure, for aesthetic reasons, etc.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Hommes. As stated above, Meyer teaches the limitations of claim 1, including a storage system containing a cabinet with sliding/pivotal bins each having a top wall, a bottom wall, a front wall, a back wall and a side wall. For claim 11, Meyer fails to teach a second side wall. Hommes teaches sliding bins (10) which include a second side wall (46) with access opening. It would have been obvious to one of ordinary skill in the art at the time of the

invention to add a second side wall on the bins Meyer, to help prevent items on the bottom shelves from sliding off from the “open” side, to strengthen the bin structure, for aesthetic reasons, etc.

Claims 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen in view of Bauer. As stated above, Sorensen teaches the limitations of claim 1, including a storage system containing a cabinet. For claims 14 and 25, Sorensen fails to teach that the cabinet has attachment means located thereon. Bauer teaches a cabinet (12) with attachment means (10,16) thereon to suspend it from a wall/vertical surface (and therefore not needing to occupying any floor space in the room). It would have been obvious to one of ordinary skill in the art at the time of the invention to add an attachment means on the cabinet of Sorensen, such as the means taught by Bauer, for the purpose and advantage stated above.

Claims 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Bauer. As stated above, Meyer teaches the limitations of claim 1, including a storage system containing a cabinet. For claims 14 and 25, Meyer fails to teach that the cabinet has attachment means located thereon. Bauer teaches a cabinet (12) with attachment means (10,16) thereon to suspend it from a wall/vertical surface (and therefore not needing to occupying any floor space in the room). It would have been obvious to one of ordinary skill in the art at the time of the invention to add an attachment means on the cabinet of Meyer, such as the means taught by Bauer, for the purpose and advantage stated above.

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen in view of Bauer. Sorensen teaches a swinging bin storage system (Fig. 1) comprising: a cabinet (1) and a plurality of bins (2) slidable and pivotal into and out of the cabinet via upper and lower slidable pivots/tracks (8/11,12). The tracks are adjacent (next to) the front of the cabinet. The bins further includes a catch (18), movable support means (bottom of bins) and include sections (6 and 7; bins and bins/ access cover panel) hingeably attached together and the cabinet further includes a glide surface (10). For claims 27 and 29, Sorensen fails to teach that the cabinet has attachment means located thereon. Bauer teaches a cabinet (12) with attachment means (10,16) thereon to suspend it from a wall/vertical surface (and therefore not needing to occupying any floor space in the room). It would have been obvious to one of ordinary skill in the art at the time of the invention to add attachment means on the cabinet of Sorensen, such as the means taught by Bauer, for the purpose and advantage stated above.

For claim 28, Sorensen in view of Bauer fails to teach plural cabinets. However, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Bauer. Meyer teaches a swinging bin storage system (Fig. 1) comprising: a cabinet (10) and a plurality of bins (20,22) slidable and pivotal into and out of the cabinet via upper and lower slidable pivots/tracks

(members 55 and L-shaped tracks 47,49; see Fig. 2). The tracks are adjacent (next to) the front of the cabinet. The bins further includes a movable support means (42) and the cabinet further includes glide surfaces (46,48,50). Bauer teaches a cabinet (12) with attachment means (10,16) thereon to suspend it from a wall/vertical surface (and therefore not needing to occupying any floor space in the room). It would have been obvious to one of ordinary skill in the art at the time of the invention to add attachment means on the cabinet of Meyer, such as the means taught by Bauer, for the purpose and advantage stated above.

For claim 28, Meyer in view of Bauer fails to teach plural cabinets. However, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

Claims 3, 12, 13, 20, 22, 24 and 30 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 19, 21, and 23 are allowed. (The allowable subject matter being the swinging bin storage system comprising a cabinet with slidable/swingable bins therein. The bins move within upper and lower tracks. The front wall of each bin contains a handle which activates a catch which releasably slides in one of the upper and lower tracks.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
July 26, 2004

J.M. Wilkens
JANET M. WILKENS
PRIMARY EXAMINER
Art Unit 3637